

1602/69.

(1)

ACCOUNT OF THE TRIAL

Algernoon Sidney Esq:

Who was Tried at the

Kings-Bench-Bar

AT

WESTMINSTER,

This present *Wednesday*, being the twenty first of *November* for *Conspiring the Death of the King, and his Royal Highness, of which he was Convicted.*

THe Court being sat, My Lord *Chief Justice*, Mr. Justice *Withers*, Mr. Justice *Holloway*, Mr. Justice *Vvalcot*, sitting on the Bench, and the usual Oyes, being made, the Jury was called, Mr. *Sidney* would have challenged some, because they were no Freeholders; but my Lord *Chief Justice* told him that was no Exception, and that, that Case had been several times over-ruled, and particularly in my Lord *Russel's* Case; so that he was forced to acquiesce, and after having excepted against several without showing cause, at last the Jury was Empannelled, and the Indictment being read, and most Elegantly, and Legally opened by the Kings learned Council at Law, the witnesses was called for the King.

The first that was called was Mr. *Vvalcot*, who began to discourse, and prove the Plot in general: but Mr. *Sidney* taking exceptions at the way of proceeding, my Lord *Chief Justice* told him, it had been the ordinary way of the Court, and particularly in the Trial of the 5 Jesuits: so the Evidence proceeded; and afterwards did particularize, that though himself did hold no Correspondence with the Prisoner at the Bar, yet he was often told by Captain *Willis*, that he was a main Engine, in contriving of all, and providing of Arms.

The next appeared for the King, was Colonel *Lawley*, who gave the same Evidence in general, and particularly that Mr. *Sidney* was the great Contriver.

Then was called Mr. *Arday* the last Discoverer; he spoke first in general, and said in particular, towards the latter end of his Evidence, that he heard from others, that Mr. *Sidney* was all along in the

The fourth and last Evidence for the King, was the Lord *Howard of Eff-
criek*, he swore in particular, that *Mr. Sidney* had often sitten in Council
with other Ives, where they debated the means to kill the King: New Model
the Government, and that he was by whom a Traiterous Letter was writ to
invite their Brethren of *Scotland*, and to shake off Monarchy; and particu-
larly my Lord *Howard* Evidenced, that *Mr. Sidney* undertook to send the
Letter, and that *Aaron Smith* was employed by *Mr. Sidney* in this business.
This was the substance of what my Lord *Howard* deposed as to the Prisoner
at the Bar.

Then the Kings Council produced a most virulent and treacherous Libel,
that was seized on in *Mr. Sidney's* House, when he was apprehended. *Mr.*
Adderbury the Messenger appeared in Court, and attested in that it was tak-
en there; and *Sir Philip Lloyd* attested it was the same that was before the
King and Council. Then was called one *Mr. Cook* Goldsmith, and another
Citizen his Partner, they said they had often dealt with *Mr. Sidney*
and had seen several Letters written with his own hand, and they were fully
satisfied that the abovementioned Pamphlet was written by the same hand
that they were used to receive, were Written. The substance of the Pamphlet
was that the Sovereign power was in the People, and that the King was but
only the peoples Trustie, and that if he would (it was true they said) he
might depose himself, and if he would not they might by force depose him,
and chastise him for misgovernment; and that if they proceeded to depose the
King, they did not break their Oath's because the King had no Authority to
impose such an oath, and that the Parliament were the Judges when the King
did amiss, and ought to be dethroned, and that his present Majesty had fallen
under these circumstances, and that was the reason they had to justify them-
selves in their proceedings, and so to draw in the Motion, *It was a very large*
Pamphlet and took a great deal of time: there were several of the most
seditious clauses of this wicked Pamphlet inserted in the Indictment.

The Kings Council, having done with their Evidence, and clearly prov-
ed the Pamphlet upon *Mr. Sidney*, he was permitted with all the Freedom
imaginable to make his defence, which was very long, and not the least in-
terrupted: the Court giving him all the fair Play imaginable.

First he began with matters of Law, and pleaded, that there ought to be
two Witnesses to every particular fact, but he was answered by the Court,
that that Case had been often over-ruled; and that at the Tryal of the late
Viscount *Stafford*, where it was agreed on by all the Judges, that it was not
necessary, so that they both proved the Treason, so that if one Witness proved
a Fact, or an overt-Act of Treason in one County, and another overt-Act in
another County, they were two good Witnesses in Law, because they both
proved Treason. His next Argument was, that he conceived himself only
Guilty of Misprision of Treason, because it could not be proved, that he writ
the Treasonable Letter that was to be sent into *Scotland*, by *Aaron Smith*, but
he was told by the Court, that his point of Law, likewise failed him in that
Case, for if one be by, where Treason is consulted, though they never say no-
thing, if they do not discover, it's not imprisonment of Treason, but High-Treason,
as all the Judges had resolved in the tryal of the late Lord *Russel*: then he
endeavoured to prove, that my Lord *Howard* owing him some Money, and
that he claiming it, My Lord spoke, that he would be revenged on him: then
he insisted upon something of foreign Laws, and flourished with some sen-
tences of Scripture, which because they were not penitent to the present pro-
ceeding were looked on as frivolous. Then he proceeded to several other To-
pics,

picks, to shew the improbabilitie of such a designe, he speaking very Floridly, and often smileing as if he did not question but to have a good delivery. First he endeavoured to shew the improbabilitie of his being in such a design, from the greatness of his Age, he being a good deal above threescore, and besides very infirme: which might induce any body to believe as he sayed, that the Fire of Ambition must be extinguished, and that it was fitter for him to think of a Retiring place, and give up the latter end of his days to ease and quiet, he having been all his life time in a perpetual hurry: His other topick was not of improbabilitie, but endeavoured to insinuate an impossibilitie of his being concerned, because he sayed he was no popular man and consequently unfit to be concerned in such an Affaire, where it was fit the people concerned should be Darlings of the Moblie, that so they might manage them at their pleasure, These were only looked upon by the Court as flourishes, which were not very material, and so giving him a short and pithy Answer desired him to proceed to more solid arguments, and to call in his evidence, which were many but were able to say little in the Prisoners behalf.

The first was my Lord *Anglesey*, he attested that my Lord *Howard*, had protested after the breaking out of the Plot at my Lord *Bedfords*, that he knew nothing of it, this was likewise attested by my Lord *Baget*, and by one Mr. *Philip Howard*, with many Circumstances, too long to put down in so little a Paper. He likewise produced in Court, his two Maid-Servants, who attested much what the same, that the other against my Lord *Howard*, as before most of them had done, at my Lord *Russels* Tryal, and received much what the same Answer from the Court, &c. that my Lord was not obliged to tell every body he met, how deeply either, he or any body else, was concerned in the Plot. Mr. *Sidney*, having made the best defence he could, sat him down, and Mr. Soliciter General summ'd up the Evidence, most learnedly and distinctly. First, shewing the convincing proofs of the Kings side, then from Point, to Point, answering every Objection, urged by the Prisoner, afterwards my Lord *Chief Justice* summ'd up all, most learnedly, and methodically, giving the most Loyal Directions to the Jury.

After all was done by the Court: the Jury withdrew and having consulted upon the business about half a quarter of an hour, Mr. *Sidney*, remaining at the Bar, smileing and talking; a Verdict was call'd, and Oyes, being made after the usual manner, and the Jury being called over, Mr. *Angers* the foreman, spoke fore the Rest and brought him in Guilty. Thus Judgment at last overtook one who was Signallie remarkable for his Violence against the last King of blessed memory: And for his strange Averfion to Monarchie, he being a perfect Monarch-hater.